

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES MILLS and
HECTOR FLORES SALAS,

Defendant.

No. CR16-236JLR

ORDER GRANTING JOINT MOTION
TO CONTINUE TRIAL AND
PRETRIAL MOTIONS DEADLINE

~~PROPOSED~~

QWR

This matter comes before the Court on the defendants' unopposed motion to continue the trial date and pretrial motions deadline. Defendants seek to continue the trial from March 13, 2017 to May, 2017, and to continue the pretrial motions deadline to April 7, 2017.

Having thoroughly considered the motion papers, and the relevant record, the Court hereby GRANTS the motion. The trial date is CONTINUED to May 30, 2017, and pretrial motions shall be due by April 7, 2017. In reaching this conclusion, the Court FINDS the following:

ORDER GRANTING JOINT MOTION TO
CONTINUE TRIAL AND PRETRIAL MOTIONS
DEADLINE - 1
(James Mills, Hector Flores Salas; CR16-
00236JLR)

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1 (a) Taking into account the exercise of due diligence and the examination and
2 evaluation of additional discovery, a failure to grant a continuance in this case would deny
3 defense counsel the reasonable time necessary for effective preparation due to counsel's need
4 for more time to review the evidence, consider possible defenses, and gather evidence
5 material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv), because defense
6 counsel has indicated that she requires additional time to prepare for trial so that she and
7 Defendant can review, understand and investigate discovery provided by the Government in
8 order to evaluate and develop factual and legal issues, potential defenses, and pre-trial
9 motions. .

11 (b) A failure to grant such a continuance in this proceeding would likely result in
12 a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

14 (c) The additional time requested is a reasonable period of delay, as Defendant
15 has requested more time to prepare for trial, to investigate the matter, to gather evidence
16 material to the defense, and to consider possible defenses.

17 (d) The case is sufficiently complex that it is unreasonable to expect adequate
18 preparation for pretrial proceedings or the trial itself within the current trial schedule, as set
19 forth in 18 U.S.C. § 3161(h)(7)(B)(ii).

21 (e) The ends of justice will best be served by a continuance, and the ends of
22 justice outweigh the best interests of the public and Defendant in any speedier trial, as set
23 forth in 18 U.S.C. § 3161(h)(7)(A).

24 (f) The additional time requested between the current trial date of March 13,
25 2017, and the new trial date is necessary to provide defense counsel the reasonable time

26 ORDER GRANTING JOINT MOTION TO
CONTINUE TRIAL AND PRETRIAL MOTIONS
DEADLINE - 2
(James Mills, Hector Flores Salas; CR16-
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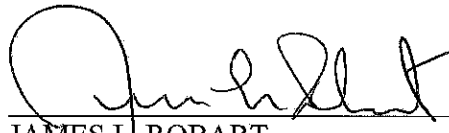
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1 necessary to prepare for trial, considering counsel's schedule and all of the facts set forth
2 above.

3 (g) The period of delay from the date of this order to the new trial date is
4 excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

5 For the reasons set forth above, Defendant's motion is GRANTED. The trial date is
6 hereby CONTINUED to May 30, 2017, and pretrial motions shall be due by April 7, 2017.

7
8 DATED this 13th day of February, 2017.

9
10 
11 JAMES L. ROBART
12 UNITED STATES DISTRICT JUDGE

13 Presented by:

14 s/ Nancy Tenney
15 Attorney for James Mills

16 s/ Robert Flennaugh II
17 Attorney for Hector Flores Salas

18 s/ Joseph C. Silvio
19 Joseph C. Silvio
20 Special Assistant United States Attorney

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26 ORDER GRANTING JOINT MOTION TO
CONTINUE TRIAL AND PRETRIAL MOTIONS
DEADLINE - 3
(James Mills, Hector Flores Salas; CR16-
00236JLR)

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